

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

In the Matter ) CV NO. 03-00672 SOM-BMK  
of )  
The Complaint of MORNING )  
STAR CRUISES, INC., a )  
Hawaii corporation. )  
\_\_\_\_\_  
SHIROH FUKUOKA, ) CV NO. 04-00588 SOM-BMK  
Plaintiff, ) [CONSOLIDATED]  
vs. )  
MORNING STAR CRUISES, )  
INC., )  
Defendant. )  
\_\_\_\_\_

AFFIDAVIT OF PAUL S. K. YIP

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS.  
\_\_\_\_\_

PAUL S. K. YIP, being first duly sworn on oath, deposes and  
says as follows that:

1. I am the owner of KBOS, a division of Morning Star  
Cruises, Inc.

2. I have personal knowledge of and am competent to testify concerning the matters set forth below.

3. Our staff is trained to follow safety procedures in the event of an emergency.

4. On the date of August 14, 2002, our crewmembers were trained in operation, instruction, and first aid procedures for the "SeaWalker" activity.

5. On the date August 14, 2002, our crew responded to Mitsuko Fukuoka in accordance with our procedures.

6. Prior to the incident of August 14, 2002, Morning Star Cruises, Inc. had no prior notice or knowledge of problems with the vessel, our procedures, or the "SeaWalker" system.

7. All "SeaWalker" participants must sign a waiver before they participate in the activity.

8. As a participant, Mitsuko Fukuoka signed the KBOS SeaWalker disclaimer agreement. A true and correct copy of the translated disclaimer agreement is attached hereto as Exhibit "B."

9. Morning Star was in no way negligent in the injury  
of Mitsuko Fukuoka.

FURTHER AFFIANT SAYETH NAUGHT.



PAUL S. K. YIP

Subscribed and sworn before me this  
21 day of July, 2006.

